

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

DEPARTMENT OF FINANCE OF  
SUSSEX COUNTY, a political  
Subdivision of the State of Delaware,

Plaintiff,

v.

CLIFFORD E. POLK HEIRS, et al.,

Defendants,

v.

GEORGE K. TRAMMELL, III,

Proposed Intervenor.

: Civil Action No. 17-1448-RGA  
: Superior Court of the State of  
: Delaware in and for Sussex County  
: Case No. S17T-07-004

**MEMORANDUM ORDER**

At Wilmington this 9 day of January, 2018, having considered Plaintiff's motion for reconsideration (D.I. 7);

IT IS ORDERED that motion (D.I. 7) is DENIED, for the reasons that follow:

On December 1, 2017, the Court summarily remanded this matter to the Superior Court of the State of Delaware in and for Sussex County, for lack of standing. (D.I. 5, 6). Plaintiff filed this pleading as a Rule 60 motion, a motion for reconsideration, and he also seeks my recusal.

The purpose of a motion for reconsideration is to "correct manifest errors of law or fact or to present newly discovered evidence." *Max's Seafood Café ex rel. Lou-Ann, Inc. v. Quinteros*, 176 F.3d 669, 677 (3d Cir. 1999). "A proper Rule 59(e) motion . . .

must rely on one of three grounds: (1) an intervening change in controlling law; (2) the availability of new evidence; or (3) the need to correct clear error of law or to prevent manifest injustice. *Lazaridis v. Wehmer*, 591 F.3d 666, 669 (3d Cir. 2010).

There are numerous provisions of Fed. R. Civ. P. 60. Plaintiff does not indicate under which section he proceeds. While the filing also refers to "a notice of appeal," the Court was advised that when Plaintiff brought the document in for filing, he stated the filing was not a notice of appeal, but a motion for reconsideration or a Rule 60 motion.

It is clear that Plaintiff is unhappy that I remanded this matter to State Court. His displeasure, however, does not merit reconsideration of the remand order or my recusal. Nor has Plaintiff raised sufficient grounds for relief under Rule 60. Because the Court finds that Plaintiff has failed to demonstrate any grounds to warrant a reconsideration of the Court's remand order, relief under Rule 60, or my recusal, the motion (D.I. 7) is DENIED.



Mark G. Andrews  
UNITED STATES DISTRICT JUDGE